

**IN THE HIGH COURT OF UTTARANCHAL AT
NAINITAL**

Civil Revision No. 83 of 2004

**Ravindra Kumar,
S/o Shri Rajpal Saini,
Shopkeeper Salempur Road, Roorkee,
Pargana & Tehsil –Roorkee,
District Haridwar Defendant/Revisionist**

Versus

- 1. Smt. Vimla Bhatiya,
W/o late Inder Lal Bhatiya,
R/o Village-Salempur Rajputan,
Pargana- Bhagwanpur, Tehsil Roorkee,
District Haridwar.
..... Plaintiff/ Respondents**
- 2. Masoom Ali. S/o Ghaseeta,
Shopkeeper Salempur Road, Roorkee,
Pargana & Tehsil-Roorkee,
District Hardwar.
..... Defendant/Performa Respondent**

Mr. Lok Pal Singh, learned counsel for the revisionist.
None for the respondents.

Hon'ble Prafulla C.Pant,J.

This revision has been filed by the revisionist/ defendant under Section 25 of the Provincial Small Causes Court Act, 1887.

2) Heard learned counsel for the revisionist and perused the impugned order dated 06.11.2004.

3) By means of this revision the impugned order dated 06.11.2004 passed by the Judge Small Caused Court, Roorkee in S.C.C. Suit No. 02 of 2002, whereby application 13-c moved by revisionist / defendant for depositing the rent claimed alongwith interest and costs under Section 20(4) of the U.P. Act No. 13 of 1972, was refused. Since by admitting and keeping this revision

pending it may delay the trial of the suit before the trial court, in the interest of justice, this Court feels it just to dispose of the revision summarily with the direction that application 13-C shall be treated to have been allowed at the risk of the defendant, without prejudice to the rights of the plaintiff, which can be decided the time of final hearing of the suit. Accordingly, the revision is disposed of summarily.

(Prafulla C. Pant,J.)

Dt:1st December, 2004
H.Negi